



UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kenneth K. Sokoll et. al.,
Appl'n. No. : 10/620,686
Filed : July 17, 2003
Title : BIODEGRADABLE TARGETABLE MICROPARTICLE
DELIVERY SYSTEM
Docket No. : 1038-1266

October 1, 2004

BY COURIER

The Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
U.S.A.

PETITION UNDER 37 C.F.R. 1.47(a)

Petition is hereby made under the provisions of 37 C.F.R. 1.47(a) to accept a Declaration executed by the inventors Kenneth Sokoll and Michel Klein on behalf of Pele Chong. The Petition fee is included in the enclosed cheque.

The facts whereby the inventor has not signed the documents are set forth in the enclosed Declaration of Reza Yacoob.

The last known street address of Pele Chong is:

c/o Venture Biomedical
25 Daniels Drive
Hauppauge
New York 11788

As set forth in the Declaration of Reza Yacoob, it is known that Pele Chong has moved from this address but no current street address is known. The only known address is an e-mail address in Taiwan, namely:

pelechong@nhri.org.tw

It is submitted that the actions of Pele Chong amount to a refusal to sign the Declaration and Power of Attorney and, under the circumstances, it is submitted that this Petition be accepted.

Respectfully submitted,



M.I. Stewart
Reg. No. 24,973

Toronto, Ontario, Canada,
(416) 595-1155
FAX No. (416) 595-1163



Express Mail Label No.

Page 1 of 4

Docket No.
1038-1266 MIS:ah

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

BIODEGRADABLE TARGETABLE MICROPARTICLE DELIVERY SYSTEM

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on 12/19/1997 as United States Application No. or PCT International

Application Number PCT/CA97/00980

and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or plant breeder's rights certificate(s), or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

_____	_____
(Application Serial No.)	(Filing Date)
_____	_____
(Application Serial No.)	(Filing Date)
_____	_____
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

08/770,850	12/20/1996	Pending
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

Send Correspondence to: Sim & McBurney
6th Floor, 300 University Avenue
Toronto, Ontario
Canada, M5G 1R7

Direct Telephone Calls to: (name and telephone number)
(416) 595-1155

Full name of sole or first inventor	Kenneth K. Sokoll (on behalf of Pele Chong)	Sept. 14/2004
Sole or first inventor's signature	<i>Kenneth K. Sokoll</i>	Date
Residence	<i>KS.</i> STONY BROOK, NEW YORK, USA	
Alton, Ontario, Canada		
Citizenship	Canadian	
Post Office Address	<i>KS</i> 6 Stratton Lane, STONY BROOK	
43 Dod's Drive, Alton, Ontario, Canada, L0N 1A0	new York, USA, 11790	

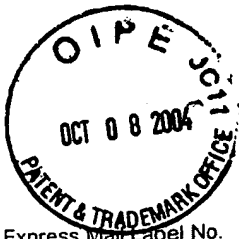
Full name of second inventor, if any	Pele Chong
Second inventor's signature	Date
Residence	Richmond Hill, Ontario, Canada
Citizenship	Canadian
Post Office Address	32 Estoril Street, Richmond Hill, Ontario, Canada, L4C 0B6

Full name of third inventor, if any	
Michel H. Klein (on behalf of Pele Chong)	
Third inventor's signature	Date
Residence	
Toronto, Ontario, Canada	
Citizenship	
Canadian	
Post Office Address	
500 Rue Sherbrooke West, Bureau 800, Montreal, Quebec, Canada, H3A 3C6	

Full name of fourth inventor, if any	
Fourth inventor's signature	
Date	
Residence	
Citizenship	
Post Office Address	

Full name of fifth inventor, if any	
Fifth inventor's signature	
Date	
Residence	
Citizenship	
Post Office Address	

Full name of sixth inventor, if any	
Sixth inventor's signature	
Date	
Residence	
Citizenship	
Post Office Address	



Express Mail Label No.

Docket No.
1038-1266 MIS:ah

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

BIODEGRADABLE TARGETABLE MICROPARTICLE DELIVERY SYSTEM

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on 12/19/1997 as United States Application No. or PCT International

Application Number PCT/CA97/00980

and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or plant breeder's rights certificate(s), or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>
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I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

_____	_____
(Application Serial No.)	(Filing Date)
_____	_____
(Application Serial No.)	(Filing Date)
_____	_____
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

08/770,850	12/20/1996	Pending
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

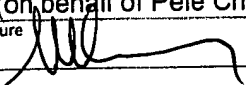
POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

Send Correspondence to: Sim & McBurney
6th Floor, 300 University Avenue
Toronto, Ontario
Canada, M5G 1R7

Direct Telephone Calls to: *(name and telephone number)*
(416) 595-1155

Full name of sole or first inventor	
Kenneth K. Sokoll (on behalf of Pele Chong)	
Sole or first inventor's signature	Date
Residence	
Alton, Ontario, Canada	
Citizenship	
Canadian	
Post Office Address	
43 Dod's Drive, Alton, Ontario, Canada, L0N 1A0	

Full name of second inventor, if any	
Pele Chong	
Second inventor's signature	Date
Residence	
Richmond Hill, Ontario, Canada	
Citizenship	
Canadian	
Post Office Address	
32 Estoril Street, Richmond Hill, Ontario, Canada, L4C 0B6	

Full name of third inventor, if any	
Michel H. Klein (on behalf of Pele Chong)	
Third inventor's signature	Date
	July 21, 2004
Residence	
Toronto, Ontario, Canada	
Citizenship	
Canadian	
Post Office Address	
500 Rue Sherbrooke West, Bureau 800, Montreal, Quebec, Canada, H3A 3C6	

Full name of fourth inventor, if any	
Fourth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of fifth inventor, if any	
Fifth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of sixth inventor, if any	
Sixth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	



Applicant : Kenneth K. Sokoll et. al.,
Appl'n. No. : 10/620,686
Filed : July 17, 2003
Title : BIODEGRADABLE TARGETABLE MICROPARTICLE
DELIVERY SYSTEM
Docket No. : 1038-1266

BY COURIER

The Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
U.S.A.

DECLARATION UNDER 37 C.F.R. 1.47 (a)

I, Reza Yacoob of 5353 Forest Hill Crescent, Mississauga, Ontario, L5V 1V2, Canada, declare as follows:

1. I am employed by Aventis Pasteur Limited (formerly Connaught Laboratories Limited) as Manager of Intellectual Property.
2. This application is a continuation of copending U.S. Patent Application No. 08/270,850. I forwarded the Declaration and Power of Attorney document requiring execution in connection herewith to each of the inventors for signature.
3. The last known street address I have for the inventor Pele Chong is:
c/o Venture Biomedical
25 Daniels Drive
Hauppauge
New York 11788

However, I am aware that Pele Chong has moved from this address to Taiwan. I do not have a street address at which to contact him in Taiwan, but I do have an e-mail address, namely:

pelechong@nhri.org.tw

4. By e-mail dated February 6, 2004, I forwarded to each of the inventors the Declaration and Power of Attorney requiring execution in connection with this application. All three inventors were aware of the technical content of this application, each having previously signed a Declaration and Power of Attorney for the parent filing. Appended hereto as Exhibit I is a copy of the e-mail dated February 6, 2004 I addressed to each of the inventors.

5. When I did not receive the executed document from the inventors Michel Klein and Pele Chong, I forwarded a reminder e-mail to each and append thereto as Exhibit II a copy of the e-mail dated April 8, 2004 that I addressed to the inventors. I subsequently received the Declaration and Power of Attorney executed by Michel Klein.

6. I have not received the Declaration and Power of Attorney executed by Pele Chong. Since termination of his employment with Aventis Pasteur Limited, Pele Chong has consistently refused requests to execute documentation required for patent applications for inventions made during his employment, including Declaration and Power of Attorney documents for U.S. Patent applications.

7. The invention which is the subject of this application was made during the period of time that Pele Chong was employed by Aventis Pasteur Limited. The terms of his employment oblige Pele Chong, according to paragraph two of his Confidentiality Agreement dated May 2, 1985, attached hereto as Exhibit III, to execute all papers in connection with any invention made during the course of his employment. Pele Chong terminated with Aventis Pasteur Limited on June 9, 2000. Pele Chong had executed a Declaration and Power of Attorney for the parent application.

8. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and believe are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Declared at Toronto on 19 day of July, 2004.



Reza Yacoob

Importance: High

-----Original Message-----

From: Dumais, Nadia AvP/CA

Sent: Friday, February 06, 2004 10:17 AM

To: 'KSokoll@UnitedBiomedical.com'; 'michel.klein@umontreal.ca'; 'pelechong@nhri.org'

Cc: 'norma.sekaly@umontreal.ca'

Subject: Declaration re. Biodegradable Targetable Microparticle Delivery System

Importance: High

Dear Drs. Chong, Klein and Sokoll,

Attached is a Combined Declaration and Power of Attorney document for your signature. Please sign and return the original to me by courier. Our Federal Express Account No. is 1047-0406-9.

Thank you.

Nadia Dumais
Secretary to Mr. Reza Yacoob
Intellectual Property
Aventis Pasteur Limited
1755 Steeles Avenue West
Toronto, Ontario M2R 3T4
Tel.: 416-667-2910
Fax: 416-667-2459
Email: nadia.dumais@aventis.com

Dumais, Nadia AvP/CA

From: Dumais, Nadia AvP/CA

Sent: April 16, 2004 8:50 AM

To: 'Klein Michel'

Subject: RE: REMINDER: Declaration re. Biodegradable Targetable Microparticle Delivery

Bonjour Dr. Klein,

S.V.P. changer votre adresse manuellement et signer à côté.

Merci.
Nadia

-----Original Message-----

From: Klein Michel [mailto:michel.klein@umontreal.ca]

Sent: Thursday, April 15, 2004 4:43 PM

To: Dumais, Nadia AvP/CA

Subject: RE: REMINDER: Declaration re. Biodegradable Targetable Microparticle Delivery System

Nadia,

Je veux bien signer cette déclaration mais faut-il une nouvelle version avec mon adresse exacte, 54
Strathgowan Avenue, Toronto, M4N 1B9. ?
Bien cordialement
Michel

De : Nadia.Dumais@aventis.com [mailto:Nadia.Dumais@aventis.com],

Envoyé : 8 avril 2004 10:15

À : 'michel.klein@umontreal.ca'; 'pelechong@nhri.org.tw'

Cc : 'norma.sekaly@umontreal.ca'

Objet : REMINDER: Declaration re. Biodegradable Targetable Microparticle Delivery System

Importance : Haute

Please sign and return the original document by courier. Our Federal Express Account No. is 1047-0406-9.

Thank you.

Nadia Dumais
Secretary to Mr. Reza Yacoob
Intellectual Property
Aventis Pasteur Limited
1755 Steeles Avenue West
Toronto, Ontario M2R 3T4
Tel.: 416-667-2910
Fax: 416-667-2459
Email: nadia.dumais@aventis.com

-----Original Message-----

From: Dumais, Nadia AvP/CA

Sent: Friday, February 06, 2004 10:25 AM

To: 'pelechong@nhri.org.tw'

Subject: FW: Declaration re. Biodegradable Targetable Microparticle Delivery System

CONNAUGHT

LABORATORIES LIMITED

1755 Steeles Avenue West, Willowdale, M2R 3T4: Ontario Canada

CONFIDENTIALITY AGREEMENT

TO: CONNAUGHT LABORATORIES LIMITED

IN CONSIDERATION OF the continued employment of the undersigned by Connaught Laboratories Limited ("Connaught") and for other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged by the undersigned), the undersigned hereby covenants and agrees with Connaught as follows:

1. The undersigned will not, either during the continuance of his employment by Connaught or any time thereafter, disclose or authorize anyone to disclose any confidential information or trade secrets concerning the business or businesses of Connaught to any person nor use or authorize to use the same for any purposes other than those of Connaught nor remove or authorize anyone to remove from Connaught's premises any books, manuals, records, documents or working papers (or copies thereof or extracts therefrom) or samples of any biological or pharmaceutical products except, in any case, as may be specifically approved by Connaught or be specifically required in the course of his employment by Connaught.
2. The undersigned agrees that all discoveries, methods, products, improvements or formulae with which the undersigned may be involved in any manner during the term of his employment by Connaught and in any way relating to the business or businesses of Connaught are the sole, exclusive and absolute property of Connaught and the undersigned will forthwith upon becoming so involved with any

such discovery, method, product, improvement or formula, fully and freely disclose the same to Connaught and shall, when so requested by Connaught, execute all documentation as may be required by Connaught to fully and effectively vest in Connaught the property rights in any such discovery, method, product, improvement or formula. The undersigned hereby acknowledges and agrees that any such discovery, method, product, improvement or formula shall constitute confidential information or trade secrets relating to the business or businesses of Connaught and shall be subject to the provisions of paragraph 1 hereof.

3. Any provision of either paragraph 1 or 2 hereof which is determined to be void and unenforceable shall be severable from all other provisions thereof and shall not be deemed to affect or impair the validity of any such other provisions.

4. The undersigned hereby agrees that all covenants contained herein are reasonable and valid and waives all defences to the strict enforcement thereof by Connaught.

5. The undersigned acknowledges that a violation of any of the provisions of these presents will result in immediate and irreparable damage to Connaught and agrees that in event of such violation Connaught shall, in addition to any other right or relief, be entitled to equitable relief by way of temporary or permanent injunction and to such other relief that any court of competent jurisdiction may deem just and proper.

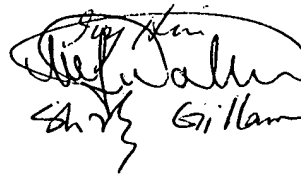
6. The provisions hereof, where the context so permits, shall enure to the benefit of the successors and assigns of Connaught and shall be binding upon the heirs, legal personal representatives and assigns of the undersigned.

7. The undersigned hereby acknowledges that he has read the foregoing and understands the implications thereof and acknowledges receipt of a duly executed copy of these presents.

IN WITNESS WHEREOF these presents have been executed by the undersigned this 2nd day of May, 1981.

SIGNED, SEALED & DELIVERED
in the presence of

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)
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)


Shirley Gilliam


Peter Chong